oct. II.27—36,000—30-10-37.

Development (1938) Department

Ms SERIES.

G.O. No. 1193

DATED 7-5-1938

[Despatch Abstract.]

Memorial

Forest ~~Guards~~ - B. Ramachandra.

& Forest Guard - Mangalore

Circle - Division - Rejected

To

The Chief Secretary
to The Government of Madras,
MADRAS.

Through
District Forest Officer, Mangalore North.

Humble Memorial of B. Ramachandra, Forest Guard of Nerur Beat, Coondapoor Taluk, South Kanara District, residing at Baindoor Post, BAINDOOR.
S. K. dated 28th December, 1937.

Most Respectfully sheweth as follows:-

Being highly aggrieved by the order of the Chief Conservator of Forests L.Dis.9573/37 dated 13-11-1937 dismissing the appeal of the memorialist (copy of the order enclosed) the memorialist begs to submit this memorial with the fervent hope that justice would be done to him at least at the hands of the Benign Government.

2. The order appealed against is unjust in that it did not take into consideration the representations made by the memorialist. The Chief Conservator refused to consider the appeal on the technical ground that that was a second appeal not allowed by the rules, that only one appeal was allowed to the conservator and that was made and dismissed. The memorialist regrets to state that the Chief Conservator did not notice the fact that the Conservator had summarily dismissed the appeal without hearing the memorialist or giving any opportunity to him to do so. The Conservator's order does not also state any reasons which persuaded him to summarily reject the appeal. These circumstances were sufficient to impel the Chief Conservator to bestow some consideration on the sad plight to which the orders

istrict Forest Officer, South Kanara have reduced the memorialist rather than to reject the appeal on more technical grounds. The memorialist has thus been obliged to seek redress at the hands of the Government.

3. The District Forest Officer dismissed the memorialist on two charges.

CHARGES I. The memorialist is charged with having foisted a false case against a girl aged about 12 years The memorialist has given detailed explnation before the District Forest Officer and stated fully in his appeals before the Conservator and the Chief Conservator his reasons why the inferences drawn by the District Forest Officer as against the memorialist are quite unsound. The memorialist thinks that it is not necessary to recapitulate all those details in his memorial as they would make this memorial too lengthy. He therefore humbly begs that his explnation, the appeals before the Conservator and the Chief Conservator may be kindly perused. The following facts are however worth mentioning. When the Forest Range Officer doubted the truth of the memorialist's report this most important duty was to see whether the three pieces of cinnamon tree seized and handed over to the retail were fresh and green as noted in the offence report, the accused's statement and other records and whether their girths tallied with that of the cut stump standing on the scene of the offence. If the Forest Range Officer had done this it would have been clearly proved whether the memorialist's case was true or false. The enquiry made by the Range Officer with the accused is most perfunctory. He did not question the accused whether the three pieces seized by the

. memorialist

dead. see p 17 (D)

memorialist were fresh and green or dry. or did he ask the accused whence she picked up or cut the three pieces seized. If the enquiry had been made carefully, the truth of the matter would have come to light. The Forest Range Officer did not do anything of the sort but based his inferences on facts most unsafe to rely upon. The District Forest Officer held enquiry into this case in Coondapoor. The scene of offence is only 7 or 8 miles from Coondapoor. The District Forest Officer could and should have inspected the locality to verify the above as also the decide whether the shoots grew up before the date of offence as alleged by the memorialist or after the offence as alleged by the Range Officer. This inspection was most essential as the District Forest Officer had in view the infliction of the extreme penalty of dismissal on the memorialist who counted a long and spotless service of sixteen years. Another fact worthy of notice is that no complaint was made by the parents of the accused alleging that a false case was foisted up against the girl which they would have certainly done if after enquiry with the girl they had found that the case was really false. From these facts the memorialist trusts that the Government will be pleased to hold that the case reported by the memorialist was not false.

Personal file at (N)

pp 7-9 (D)

4. CHARGE II. relates to the cutting of the creepers instead of uprooting them. A kind perusal of the explanation tendered before the District Forest Officer and given in the two appeals preferred before the two lower appellate authorities will shew that the memorialist has satisfactorily answered the charge. One who has actual experience of the work of uprooting

Appeal file Flag P. pages 15 to 35 and pp 1-5 (I)

creepers

ice admit that long creepers which have encirculed the neighbouring catechu plants cannot all at once be uprooted without causing damage to the catechu plants. They have first to be cut near the root and the portions encircling the catechu plants removed slowly and then the roots uprooted from the ground by pulling. Cutting of the creepers was being done by coolies when the Range Officer came to the locality. Uprooting was done subsequently. An inspection of the locality would have shown that the uprooting work has not been left in arrears. The charge was made at the instance of the Range Officer on the result of his first inspection. Neither he nor the District Forest Officer inspected the locality to see whether the uprooting work had been subsequently completed.

Pp 111-114 (B) 5. The District Forest Officer's order will show that the Range Officer had framed several charges against the memorialist of which the District Forest Officer took into account only two as important leaving the others as trivial. The Government will be pleased to observe that all these trivial charges were an attempt by the Range Officer to show that the memorialist was an undesirable person. A reference to the conduct sheet of the memorialist will show that his past record for 16 years is good; that at any rate he is not such a bad man as is attempted to be shown by the Range Officer and the District Forest Officer. It is most unfortunate that the memorialist who was considered for the last sixteen years as a satisfactory Government Servant was all at once depicted as the worst possible man and was turned out of the Department without the least compunction. The punishment inflicted has reduced the memorialist and

his

his family to sudden beggary. To start life again in any other channel at this age of the memorialist and in this time of the depression and unemployment is quite out of question. Already the memorialist has suffered sufficiently for the last seven months since the infliction of the punishment. The memorialist now pleads for the last act of mercy at the hands of the benign Government and most repectfully prays he may be reinstated into his post.

For which act of justice and mercy, the memorialist will every pray.

28-12-37 B Ramachandra.

Memorialist.

Enclosures:-

1. District Forest Officer's Order Ref. A1-173/F.37 dated 24-4-1937. 6 pages
2. Conservator's Oder L.Dis.2612/1927. dated 15-9-1937. 5 pages
3. Chief Conservator's Order L.Dis.9573/37 dated 13-11-1937. 12 pages

Ref A.1. 173/F.37.

PROCEEDINGS OF THE DISTRICT FOREST OFFICER, MANGALORE NORTH, MANGALORE, DATED 24th APRIL 1937.

*****

M.R.Ry Rao Sahib E.V.Padmanabha Pillai Avl.

*****

Read the following :-

(1) Charge sheet Ref C.No.571/1936, dated 20-1-37 against B. Ramachandra, Forest Guard IV grade of Herur beat, received with his explanation, dated 21-2-37 and Coondapur Range Officer's Ref C.No.571/36, dated 4-3-37 thereon. This is for neglect of duty, carelessness etc.

(2) The Forest Guard's further report of 24-3-37 received with Coondapur Range Officer's Ref C.No.571/36, dated 17-4-1937.

(3) Charge sheet I(b) Ref on O.R.No.120/36-37, dated 26-3-37 against the above said Forest Guard of Herur West beat for foisting a false case against an innocent person and for bad protection etc of his beat, received with his explanation, dated 16-4-1937 and Coondapur Range Officer's Ref O.R 120/36-37, dated 19/20-4-1937 thereon.

(4) Records of enquiry and personal hearing done on 20-4-1937, and

(5) all other connected records in the case.

O R D E R.

There are two charge sheets against Forest Guard IV grade B.Ramachandra containing several charges against the Guard, the most important of them are :-

(1) Bringing a false case against an innocent person

(2) neglect of duty resulting in bad protection of the reserved forest in his charge.

(3) Disobedience of orders in not carrying out works as per personal orders and instructions of his superior officers.

2. Charge (1)

On 24-1-1937 this Guard submitted an offence report against a small girl, aged about 12 years old, charging her with illicit cutting and removal of ...

Herur Reserved Forest. The Range Officer inspected this felled tree on 27-1-37, i.e. just three days after the reported felling of the tree. Then the Range Officer found that the reported tree was but a sapling cut long before 24-1-37 as the cut stump had sent out shoots about 9" in height when he inspected it and that the cut surface was dry and indicated that it was an old felling and further the twigs cut from the sapling lying close by were also dry. Then the Range Officer enquired the accused girl in presence of the Guard. She said that while she was carrying one head load of dry fuel, the Guard seized the head load, took out two or three billets which were handed over to the Potail and she was allowed to remove the balance, that she had no billhook with her and that she did not cut the cinnamon tree.

3. In this charge, the Range Officer is the most important witness to prove the charge. I examined the Range Officer in presence of the Guard and the Guard was permitted to cross examine the Range Officer, but he had nothing to cross examine the Range Officer.

4. If the Guard found the girl cutting the tree, he ought to have seized the billhook with her which he did not do. His explanation is that the girl must have concealed the billhook. If so, it was his business to find it out. In his explanation, the Guard admits the coppice shoots, but says that these grew up from far below the cut surface and started growing before the sapling was cut. It is too much for me to believe that the tree sent out shoots in anticipation of being cut. The Range Officer clearly says that the shoots came up after the cutting of the sapling and these shoots had tender leaves. It is absolutely clear that the report of the Guard is false.

5. As for the motive of this silly false case, let us consider the natural course of this case of the Range

fficer was not so prompt in his inspection. The Range Officer ould have sent it up to me without any personal investigation y him as it was a very simply and evidently true case. Seeing hat the accused person is a little girl of 12, I would have withdrawn the case and warned her. If the Range Officer wanted to make further enquiries before sending up his final report to me, he would have inspected this cut tree in the usua routine course of his work which would naturally have been several days or weeks after the date of the offence. Then he would not have been able to find out the age of the cutting at all with such accuracy. His enquiring the girl would not have helped him much by itself. It would have been impossible for the Range Officer to prove, as he has done now, that the Guard's report was false. The result would have been that the Guard would have been able to show one more case to his credit and thus account for some more illicit fellings.

Charge (2)

6. This is for several illicit fellings and illicit removal of mathi bark and in general bad protection of his beat. The explanation of the Guard is that Herur Reserve is frequented by hundreds of people every day, that he did his best by reporting numerous cases, and for the illicit fellings etc noticed, it was impossible for him to prevent. It must be admitted that this reserve is very difficult to be efficiently protected on account of hundreds of people frequenting it every day due to the concessions, unless the Guard takes particular care. The Guard also reported several cases, but it is a doubtful point if these cases cover all the mistakes found out. Anyhow I am not inclined to accept this charge as proved against the Guard.

Charge (3)

7. When I inspected the catechu regeneration area last year, I found creepers all over the plot. I told the Guard that all the creepers must be uprooted and not cut and I myself uprooted several creepers to show it to the Guard how it

was to be done. When the Range Officer inspected this plot subsequently, he found 7 coolies working there and the creepers were cut and not uprooted. Further the Guard had no muster roll with him then. When called to explain, he admitted the mistake of cutting the creepers instead of uprooting. Incidentally for not maintaining the muster roll of coolies, he explained that since he had other works to do, he engaged these coolies at his own cost, for which of course a muster roll is unnecessary. Though this is not a charge against the Guard, it shows the character of the man. Is the Guard rich enough to pay for Government works from his own pocket ? Is he required to do this ? Government do not require their subordinates to spend anything from their own pocket for Government works.

There are other items of tending work which the Guard did not do as directed by the Range Officer for which also he has no satisfactory explanation to offer.

General.

8. These charges were framed in the regular way. The Guard was given opportunity to explain. He was permitted to cross examine the Range Officer who was examined in his presence. He was given a personal hearing which was to ask for pardon for all his mistakes.

9. It is proved beyond all doubt that he put a false case against an innocent person and that he disobeyed the orders of his superiors. For the first charge, he deserves prosecution in a Court of Law. A subordinate who does not hesitate to send up false cases against innocent people does not deserve to be under the service of Government. It is therefore ordered that Forest Guard B.Ramachandra be dismissed from service with effect from the date of his relief.

B Ramachandra

District Forest Officer,
Mangalore North.

To B.Ramachandra, Forest Guard of Herur Beat, through Range Officer Coondapur. He is informed that an appeal, if preferred, will lie to the Conservator of Forests, Canara Circle, within six months from the date of

10

C.F.—

PROCEEDINGS OF THE Conservator of Forests, Ootacamund Circle.
MEMORANDUM

Ootacamund.

*Post Box No.*____ *Telegraphic Address* Conservator, Ootacamund.

Ref
21-22/1-37

Name C.C.Wilson, Esq., I.F.S.

R.Dis. I. *No.*2612/37, *dated* 15th Sept. 1937.

Short title Ramachandra S. - Forest Guard (dismissed) Mangalore North divicion - appeal - orders passed.

READ—the following:—

i. Appeal petition dated 13-7-37 from the appellant.

ii. Endt. No.A.1-1750/37 dated 16-8-1937.

iii. Other connected records.

DISTRICT FORESTS OFFICE
21 SEP 1937
MANGALORE

ORDER.

The appeal is dismissed.

(sd) C.C.Wilson,
Conservator of Forests, Ootacamund
Circle..

To the appellant through the Dt.Forest Officer, Mangalore North, with copy of Mangalore North Dt. Forest Officer's Proceedings No.A.1-173/37 dated 24-4-1937 enclosed with the appeal.

Encl:1

Copy to the Dt.Forest Officer, Mangalore North.

Ref A—22/1 7-37
Forwarded through R.O.
Coondapoor
19.9.37
Dy. Conservator
Mangalore Valley

(True Copy)
(By order)
Asst. Manager
Hg. Manager

SEP 1937

22.11.37

L.Dis. No.9573/37

Chepauk, Madras, dated
13th November 1937.

T.A. Whitehead Esq., I.F.S.,
Chief Conservator of Forests.

Ref:- Endt. of the Conservator, Ootacamund Circle, No. L.3313/37, dated 1-11-1937 on Mangalore North District Forest Officer's Ref. No.A.1-2438/37 dated 22nd October 1937, submitting the appeal petition of B. Ramachandra, Ex.Forest Guard.

Proceedings:

An appeal is allowed by the Rules to the Conservator. This appeal was made and the Conservator dismissed it. No further appeal will be considered.

For Chief Conservator.

To the Appellant with two enclosures returned.
Copy to the Conservator, Ootacamund Circle, with records returned.

V.P.16.11.37.

19 NOV 1937

13. Dev. 811 F
24.2.38

Ref: No. 1209/38.D2., dated the 22nd Feb. 1938.

Memorial to Government - B.Ramachandra Ex Forest Guard - Mangalore North division.

Memorial from B.Ramachandra Ex Forest Guard dated 28-12-1937.

Submitted to Government.

2. The memorialist was a Forest Guard in the Mangalore North division and he was dismissed from service by the District Forest Officer chiefly for concocting a false case and also for bad protection of the forests under his charge.

3. The first appeal was dismissed by the Conservator, Ootacamund in his Proceedings dated 15-9-1937.

4. In October 1937 he submitted a second appeal to this office and he was informed that no further appeal would be considered.

5. The present memorial deserves no consideration and it may be rejected.

23.11.

for Chief Conservator.

To

The Secretary to Government,

Development Department.

Enclosures: Memorial, its enclosures and records.

ks.23.2.38

14

List of Records.

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1. O.R. File 170-36-37 of Coondapur Range (12 leaves) Flagged (D)
2. D.Dis. File 173/1937, dated 8-7-1937 - 256 pages (Flagged (B)
3. D.Dis. 1653/1936, dated 22-9-1936 - 144 pages (Flagged (C)
4. Voucher No. 40 of December 1936 flagged (Z) and 63 of Nov. 1936 Flag (S) for Rs 26-12-0 and Rs 27-6-0 respectively.
5. Completion reports for the District Forest Officer's S.Os. 55 and 49 of 1936-37. (W) (V)
6. Personal files (2) and service roll of B. Ramachandra. (N)
7. Coondapur Range Officer's diary for week ending 5th Dec.1936 flag (U)
8. Conservator's L.Dis. No. 2612/37. (P)
9. Chief Conservator's L.Dis. No. 9573/37. (I)

***

25/3

Dept[illegible]
25.3.38

15

Dev. Dept.

Letter No 811 I/38-1 dt 25-3-38

To The Secy.
M. P. S. C.

Subject Memorial - B. Ramachandra - ex Forest guard - Mangalore North Forest Div.

Sir,

I am to forward herewith the memorial referred to above against the orders of the D.F.O. Mangalore North dismissing the memorialist from service, together with report of the C.C.F. thereon & the connected records and to request that the M.P.S.C. will be so good as to favour Govt with their opinion as to the orders to be passed on the memorial.

I have etc.

21.3.38

2333

25/3/38

22398

pp 1-5 c/s

P. 13 c/s

Enclosures

1. Memorial & its Encls - PP 1-12 c/s.
2. Copy of C.C.'s letter P 13 c/s.
3. H.E. list dt P. 14 c/s.
4. 5. 6. etc

16 Public

Confidential.

Dev. 1733-1

21-4-38

DEPARTMENT.

Received 13.4.38 19 . *Registered* 19

Subject.

Memorial - Ramachandra, B - Ex-Forest Guard - Mangalore North Forest Division - Against dismissal -

ENCLOSURES.
No.
Spare copies

No. 410-C/38.

Station Madras, *Dated the* 12th April 1938.

From (Name) M.R.Ry. Rao Bahadur C.P.Karunakara Menon A
(Designation) Secretary, Public Service Commission, Madras,

To The Secretary to the Government of Madras,

Development Department.

Sir,

Your letter No.811 I/38-1, dated 25-3-1938.

The procedure laid down in rule 55 of the Civil Services (Classification, Control and Appeal) Rules was follo before the order of dismissal was passed. The Commission agrees with the District Forest Officer in his finding that the first and third charges are proved, and considers that the punishment inflicted was deserved. The Commission advis

17

that the memorial be rejected.

2 The records are returned.

I have the honour to be,

Sir,

Your most obedient servant,

12.4.38

Secretary.

T.12.4.

List of records:

1. Memorial and its enclosures. PP 1-12 in print
2. Copy of Chief Conservator's letter. Placed below
3. C.R. File 170-36-37 of Coondapur Range (12 leaves). (D)
4. D. Dis.File 173/1937, dated 8-7-1937 - 256 pages. (B)
5. D.Dis.1653/1936, dated 22-9-1936 - 144 pages. (C)
6. Voucher No.40 of December 1936 flagged (Z) and 63 of November 1936 Flag (S) for Rs.26-12-0 and Rs.27-6-0 respectively.
7. Completion reports for the District Forest Officer's S.Os. 55 and 49 of 1936-37. (W) (V)
8. Personal files (2) and service roll of B.Ramachandra. (N)
9. Coondapur Range Officer's diary for week ending 5-12-1936. (U)
10. Conservator's L.Dis. No.2612/37. (P)
11. Chief Conservator's L.Dis.No.9573/37. (I)
12. Development Department Endt. No.4358 I/37-1, dated 4-12-1937 in original. Placed below

18

Dar Dept

C. S. 311 I, 33.

In the matter of B. Nanjundacharya - ex-Forest Guard - Mangalore North Division.

Transfer memorial dated 28-12-1931.

C. I. G. C.C. & F. Ref. No. 1209, 28-I-32 to 23-2-1935.

Jo A.S

Please see the memorial at P.P. 1-5 of. and the C.C.'s endt. thereon at P. 13 of.

2 The memorialist, a forest guard of the Mangalore North Forest Division, was dismissed from service by the D.F.O. for concocting a false case against an innocent person & for disobeying the orders of his superiors in the matter of protection of forests. His appeals to the Conservator and the C.C.-F. were both dismissed.

P 53 of (P) and P 111 of (I)

P 5 11 & - 14 of (B)

3 The charges are at P.P. 79-80 of (B)

Explanation of the memorialist is at P.P. 89-90 & of (B)

The records enquiry at P. 17 of (D) and 99-101 of (B)

Proceedings of D.F.O. dismissing the memorialist are at P.P. 111-114 of (B)

Appeal to the Conservator is at P.P. 15-35 of (P)

Orders of the Conservator dismissing the appeal are at P. 53 of (P)

~~2~~ ~~bis~~ 19

Second appeal to the C.C.F is at P.P 1-5 of (I)

Orders of the C.C.F. thereon are at P. 11 of (I)

The service & Conduct registers of the memorialist are flagged (N)

4 Procedure

There are ~~does~~ no defects in the procedure followed in the case; nor does the memorial contain any allegations against the procedure.

5 It is therefore for orders whether the memorial will be summarily rejected or considered on its merits In the latter case the M.P.S.C. will have to be consulted. For orders.

May be summarily rejected.

RS 7/3/38

Cia 13.3.38

X 17.3.38.

Shn 7338.

H M (A & R S.)

I wish the M.P.S.C. to be consulted

18/3/38

circ 14/3/38 Pr cc 14/3

Consult the Com^y. S.D however Mah (Sec) see at this stage?

Cia 18 3 38

+ Rec'd 9/3

20

To A.S

With ref. to Secy's query at the bottom of P. 2 ante, it is submitted that Pub(Ser) Deptt is consulted only when defects are noticed in the procedure followed in a case or when the Commission's recommendation is not proposed to be accepted. Otherwise the case need not go to Pub(Ser) for perusal. In the present case none of the issues applies at this stage.

A draft letter to the U.P.S.C. is submitted for approval.

RR 23338 S. 21/3/38.

25/3/38

SRM 22358.

P 15 C
PP 16-17 C

[Issued as letter No 811-I/38-1 dt 25-3-38 from the Secy. to P.S.C. No. 410-E/38 dt 12-4-38]

To A.S.

Please see the letter to the U.P.S.C. at P. 15 C. and their reply at P.P. 16-17 C. The Commission recommend that the memorial may be rejected. Orders whether their recommendation will be accepted.

RR 28438 S. 27/4/38.

29.4.38

SRM 27438.

HM (Ka & J). Agreeing with the

4 21

Recommendations of the M.P.S. Cs
shall
the memorial be rejected

30.4.38

to AS

A draft order is submitted for
approval.

Irene.
RS
6.5.38

7/5.5.38

SRS
5.5.38.

22

42-

G.F. 16.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	7/5	
When examined..		
When signed ..		
When despatched.		

Dev. Dept.

SUBJECT:— Forests.

Memorial - B. Ramachandra - Ex Forest guard - Mangalore

Prayer for — rejected.

READ AGAIN _____, dated _____ 19____.

" " _____ " _____ 19____.

READ *ALSO*:—

No. 8111/38 From the Memorialist - , No. - - , dated 25-12-1937 pp 1-5 ✓

" " _____ Dist. Forest Officer Ref. 1209/38-D2 22-2-38 p 13 ✓

" " _____ Letter to the Secy. M.P.S.C. " 8111/38-1 " 25-2-1938 p 15 ✓

" " _____ From " 410-C/38 " 12-4-1938 - pp 16-17 ✓

Order ~~Resolution~~ Ms. No. 1193, dated 7-5- 1938.

To the memorialist - with copy of Comm's letter - pp 16-17 ✓
(B. Ramachandra
Ex Forest Guard
Beeindoor P.O.
South Kanara Dist.)

" C.C.F. with copy of Comm's letter - pp 16-17 ✓
with the records rec'd.

" Secy. M.P.S.C. with C.L.

⊗ with records
(H.F. Library P-14 ✓)

The Govt decline to interfere.

RS
6/38

X/4.5.38

SM
5/5/38

Govt
9.5.38

3138/38 e1

To

The Minister
to the Government of Madras,
M A D R A S.

Through

District Forest Officer, Mangalore North.

***

Humble Memorial of B.Ramachandra, Forest Guard of Herur Beat, Coondapoor Taluk, South Kanara District, residing at Baindoor Post, BAINDOOR.,(S. K.) Dated ~~28th Dec~~ 16 Nov 1938

***

Most Respectfully sheweth as follows:-

Being highly agrieved by the order of the Chief Conservator of Forests L.Dis.9573/37 dated 13-11-1937 dismissing the appeal of the memorialist (copy of the order enclosed) the memorialist begs to submit this memorial and subsequent appeal orders of the Chief Secretary to the Government with the fervent hope that justice would be done to him at least at the hands of the Benign Government.

2. The order appealed against is unjust in that it did not take into consideration the representations made by the memorialist. The Chief Conservator refused to consider the appeal on the technical ground that that was a second appeal not allowed by the rules, that only one appeal was allowed to the conservator and that was made and dismissed. The memorialist regrets to state that the Chief Conservator did not notice the fact that the Conservator had summarily dismissed the appeal without hearing the memorialist or giving any opportunity to him to do so. The Conservator's order does not al-

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so state any reasons which persuaded him to summarily reject the appeal. These circumstances were sufficient to impel the Chief Conservator to bestow some consideration on the sad plight to which the orders of the District Forest Officer, South Kanara have reduced the memorialist rather than to reject the appeal on more technical grounds. The appeal lodged to the Chief Secretary to Government has also been ordered on the same views as that of Chief Conservator. Hence the memorialist has thus been obliged to seek redress at the hands of the Government.

PP 12-16 in file

Rev. 1193 (V) 7-5-38

3. The District Forest Officer dismissed the memorialist on two charges.

CHARGES I. The memorialist is charged with having foisted a false case against a girl aged about 12 years. The memorialist has given detailed explanation before the District Forest Officer and stated fully in his appeals before the Conservator and the Chief Conservator his reasons why the inferences drawn by the District Forest Officer as against the memorialist are quite unsound. The memorialist thinks that it is not necessary to recapitulate all those details in his memorial as they would make this memorial too lengthy. He therefore humbly begs that his explanation, the appeals before the Conservator and the Chief Conservator may be kindly perused. The following facts are however worth mentioning. When the Forest Range Officer doubted the truth of the memorialists report this most important duty was to see that whether the three pieces of cinnamon tree seized and handed over to the Potail were fresh and green as noted in the offence report, the ac-

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accused's statement and other records and whether girths tallied with that of the cut stump standing on the scene of the offence. If the Forest Range Officer had done this it would have been clearly proved whether the memorialist's case was true or false. The enquiry made by the Range Officer with the accused is most perfunctory. He did not question the accused whether the three pieces seized by the memorialist were fresh and green or dry. Nor did he ask the accused whence she picked up or cut the three pieces seized. If the enquiry had been made carefully the truth of the matter would have come to light. The Forest Range Officer did not do anything of the sort but based his inferences on facts most unsafe to rely upon. The District Forest Officer held enquiry into this case in Coondapur. The scene of offence is only 7 or 8 miles from Coondapoor. The District Forest Officer could and should have inspected the locality to verify the above as also to decide whether the shoots grew up before the date of offence as alleged by the memorialist or after the offence as alleged by the Range Officer. This inspection was most essential as the District Forest Officer had in view the infliction of the extreme penalty of dismissal on the memorialist who counted a long and spotless service of sixteen years. Another fact worthy of notice is that no complaint was made by the parents of the accused alleging that a false case was foisted up against the girl which they would have certainly done if after enquiry with the girl they had found that the case was really false. From these facts the memorialist trusts that the Government will be pleased to hold that the case reported by the memorialist was

not

not false.

4. CHARGE II., relates to the cutting of the creepers instead of uprooting them. A kind perusal of the explanation tendered before the District Forest Officer and given in the two appeals preferred before the two lower appellate authorities will shew that the memorialist has satisfactorily answered the charge. One who has actual experience of the work of uprooting creepers will at once admit that long creepers which have encircled the neighbouring catechu plants cannot all at once be uprooted without causing damage to the catechu plants. They have first to be cut near the root and the portions encircling the catechu plants removed slowly and then the roots uprooted from the ground by pulling. Cutting of the creepers was being done by coolies when the Range Officer came to the locality. Uprooting was done subsequently. An inspection of the locality would have shown that the uprooting work has not been left in arrears. The charge was made at the instance of the Range Officer on the result of his first inspection. Neither he nor the District Forest Officer inspected the locality to see whether the uprooting work had been subsequently completed.

5. The District Forest Officer's order will show that the Range Officer had framed several charges against the memorialist of which the District Forest Officer took into account only two as important leaving the others as trivial. The Government will be pleased to observe that all these trivial charges were an attempt by the Range Officer

to

to show that the memorialist was an undesirable person. A reference to the conduct sheet of the memorialist will show that his past record for 16 years is good; that at any rate he is not such a bad man as is attempted to be shown by the Range Officer and the District Forest Officer. It is most unfortunate that the memorialist who was considered for the last sixteen years as a satisfactory Government Servant was all at once depicted as the worst possible man and was turned out of the Department without the least compunction. The punishment inflicted has reduced the memorialist and his family to sudden beggary. To start life again in any other channel at this age of the memorialist and in this time of the depression and unemployment is quite out of question. Already the memorialist has suffered sufficiently for the last seven months since the infliction of the punishment. The memorialist now pleads for the last act of mercy at the hands of the benign Government and most respectfully prays he may be reinstated into his post.

For which act of justice and mercy, the memorialist will ever pray.

B Laxmana Shetty

MEMORIALIST.

Enclosures:-

pp.12-16 in file 1. District Forest Officer's Order Ref.A1-173/F37 dated 24-4-1937.

p.11 in file 2. Conservator's order L.Dis.2612/1927. dated 15-9-1937.

not received 3. Chief Conservator's Order L.Dis. 9573/37 dated 13-11-1937.

p 7 in file 4. Secretary to Government's order G.O. No.M.S.1193 dated 7th May 1938.

P.T.O

My present Address

B. Ramachandra
c/o
Nagappa
Harnahally
Kumsi Sub Taluk
Shimoga Dist
Mysore State

'Copy' X 29

GOVERNMENT OF MADRAS.

Abstract.

ORESTS:-

Memorial - B. Ramachandra - ex-Forest Guard - Mangalore North Division - Rejected.

DEVELOPMENT DEPARTMENT.

G.O. No. 89.1193, dated 7th May 1938.

Read the following paper:-

From the Memorialist dated 28th December 1937.

Endorsement of the Chief Conservator of Forests Ref. 1209/38-02, dated 22nd February 1938.

Letter to the Secretary, Madras Public Service Commission, No.311-I/38-1, dated 25th March 1938.

From the --- do --- No.410-C/38, dated 12th April 1938.

O R D E R -

The Government decline to interfere.

(By order of His Excellency the Governor).

C.J.PAUL,
Secretary to Government.

To the Memorialist (with copy of Commission's letter).
B.Ramachandra, ex-Forest Guard, Baindoor Post, South Kanara District.

To the Chief Conservator of Forests (with copy of Commission's letter and records returned).

To the Secretary, Madras Public Service Commission, (with C.L.)

(True copy)
FORWARDED (By order)

Superintendent.

v.s.v.7-5

I.T.O.

30/8 [illegible]

Copy of letter from the Madras Public Service Commis

No.410-C/38, Dated the 12 th April 1938.

Memorial - Ramachandra, B. - Ex-Forest Guard - Mangalore North Forest Division - against dismissal.

Your letter No.311-I/38-1, dated 25-3-1938.

The procedure laid down in rule 55 of the Civil Service (Classification, Control and Appeal, Rules was followed before the order of dismissal was passed. The Commission agrees with the District Forest Officer in his finding that the first and third charges are proved, and considers that the punishment inflicted was deserved. The commission advises that the memorial be rejected.

"True Copy."

Ref No. 3138/1938-C1.

District Forest Office, South Kanara.

Mangalore, dated 28th November 1938.

Memo

Subject:- Establishment- Memorial against the order of dismissal by the District Forest Officer, Mangalore North.
Reference:- His Petition, dated 16th November 1938.

*****

The petitioner is informed that copy of the order of the Chief Conservator of Forests L.Dis 9573/1937, dated 13/11/37, dismissing the appeal of the Memorialist said to have been enclosed to his above memorial as well as the following enclosures mentioned in the memorial have not been received.

List of enclosures not received

(1) District Forest Officer's order Ref A.1. 173/F.37 dated 24-4-1937.

(2) Conservator's order L.Dis No.2612/1937, dated 15-9-37.

If the enclosures are not submitted within one week of the receipt of this letter, the memorial will be forwarded without the enclosures to the authorities concerned.

Sd/ M. Kesavanunni Nayar.
District Forest Officer
South Kanara.

To B. Ramachandra,
Late Forest Guard of Horur Beat,
Coondapur Taluk S.Kanara
residing at Baindur.
Baindur P.O

L.E.R/29-11-38.

29-11-8

DESPATCH
30 NOV 1938

To

District Forest Officer,
Mangalore North,
MANGALORE.

Respected Sir,

11.12.38

As per intimation of your office order F.M.R/29-11-1938, I respectfully beg to enclose herewith the true copy of orders received from

(1) District Forest Officer, Ref.A.I. 173/F.37 dated 24-4-1937.

(2) Conservator's order L.Dis No.2612/1937, dated 15-9-1937.

The original orders received had been submitted to the Chief Secretary with my appea petition.

Harnahalli
8-12-1938.

I beg to remain,
Respected Sir,
Your most obedient servant.

B Ramachandra.

My Address:-
B.Ramachandra,
c/o Byndoor Nagappa,
Merchant, HARNANALLI,
(Shimoga District)

A 33

Proceedings of the Conservator of Forests, Ootacamund Circle, Ootacamund.

Conservator, Ootacamund.

Name C. C. Wilson Esq., I.F.S.,

L. Dis. M. No.2612/37 ...15th September 1937

Ramachandra B. Forest Guard (dismissed)--
Mangalore North division - appeal -orders passed.

i. Appeal petition dated 13-7-1937 from the appellant.

ii. Endt. No.A.1-1750/37 dated 16-8-1937.

iii. Other connected records.

ORDER.

The appeal is dismissed.

(sd) C.C. Wilson,

Conservator of Forests,
Ootacamund Circle.

To,

The Appellant through the Dt.Forest Officer, Mangalore North, with copy of Mangalore North Dt.Forest Officer's Proceedings No.A.1-173/37 dated 24-4-1937 enclosed with the appeal.

Copy to the Dt. Forest Officer, Mangalore North.

(True Copy)

Ref A.1. 173/F.37.

PROCEEDINGS OF THE DISTRICT FOREST OFFICER, KANARA NORTH, MANGALORE, DATED 24th APRIL 1937.

****

M.R.Ry Rao Sahib B.V. Padmanabha Pillai Avl.

***

Read the following :-

(1) Charge sheet Ref C.No.571/1936, dated 20-1-37 against B.Ramachandra, Forest Guard IV grade ~~dated~~ of Herur beat, received with his explanation, dated 21-2-37 and Goondapur Range Officer's Ref C.No.571/36, dated 4-3-37 thereon. This is for neglect of duty, carelessness etc.

(2) The Forest Guard's further report of 24-3-37 received with Coondapur Range Officer's Ref C.No. 571/36, dated 12-4-1937.

(3) Charge sheet I(b) Ref on O.R.No.120/36-37, dated 26-3-37 against the above said Forest Guard of Herur West beat for foisting a false case a ainst an innocent person and for bad protection etc of his beat, received with his explanation, dated 16-4-1937 and Coondapur Range Officer's Ref O.R. 120/36-37, dated 19/20-4-1937 theron.

(4) Records of enquiry and personal hearing done on 20-4-1937, and

(5) all other connected records in the case.

O R D E R.

There are two charge sheets against Forest ~~Guard~~ Guard IV grade B.Ramachandra containing several charges against the Guard, the most important of them are:-

(1) Bringing a false case against an innocent person

(2) neglect of duty resulting in bad protection of the reserved forest in his charge.

(3) Disobedience of orders in not carrying out works as per personal orders and instructions of his superior officers.

2. Charge (1)

On 24-1-1937 this Guard submitted an offence report against a small girl, aged 12 years old, charging her

with illicit cutting and removal of cinnamonum tree in Herur Reserved Forest. The Range Officer inspected this felled tree on 27-1-37, i.e. just three days after the reported felling of the tree. Then the Range Officer found that the reported tree was but a sapling out long before 24-1-37 as the stump had sent out shoots about 9" in height when he inspected it and that the cut surface was dry and indicated that it was on old felling and further the twigs out from the sapling lying close by were also dry. Then the Range Officer enquired the accused girl in presence of the Guard. She said that while she was carrying one head load of dry fuel, the Guard seized the head load, took out two or three billets which were handed over to the Potail and she was allowed to remove the balance, that she had no billhook with her and that she did not cut the cinnamonum tree.

3. In this charge, the Range Officer is the most important witness to prove the charge. I examined the Range Officer in presence of the Guard and the Guard was permitted to cross examine the Range Officer, but he had nothing to cross examine the Range Officer.

4. If the Guard found the girl cutting the tree, he ought to have seized the billhook with her which he did not do. His explanation is that the girl must have concealed the billhook. If, so, it was his business to find it out. In his explanation, the Guard admits the coppice shoots, but says that these grow up from far below the cut surface and started growing before the sapling was cut. It is too much for me to believe that the tree sent out shoots in anticipation of being out. The Range Officer clearly says that the shoots came up after the cutting of the sapling and these shoots had tender leaves. It is absolutely clear that the report of the Guard is false.

5. As for the motive of this silly false case, let us consider the natural course of this case if the Range Officer was not so prompt in his inspection. The Range Officer would have sent it up to me without any personal investigation by him as it was a very simple and evidently true case. Seeing that the accused person is a little girl of 12, I would have withdrawn the case and warned her. If the Range Officer wanted to make further enquiries before sending up his final report to me, he would have inspected this cut tree in the usual routine course of his work which would naturally have been several days or weeks after the date of the offence. Then he would not have been able to find out the age of the cutting at all with such accuracy. His enquiring the girl would not have helped him much by itself. It would have been impossible for the Range Officer to prove, as he has done how, that the Guard's report was false. The result would have been that the Guard would have been able to show one more case to his credit and thus account for some more illicit fellings.

Charge (2)

6. This is for several illicit fellings and illicit removal of Mathi bark and in general bad protection of his beat. The explanation of the Guard is that Herur Reserve is frequented by hundreds of people every day, that he did his best by reporting numerous cases, and for the illicit fellings etc noticed, it was impossible for him to prevent. It must be admitted that this reserve is very difficult to be efficiently protected on account of hundreds of people frequenting it every day due to the concessions, unless the Guard takes particular care. The Guard also reported several cases, but it is a doubtful point if these cases cover all the mistakes found out. Anyhow I am not inclined to accept this charge as proved against the Guard.

charge (3).

7. When I inspected the catechu regeneration area last year, I found creepers all over the plot. I told the Guard that all the creepers must be uprooted and not cut and I myself uprooted several creepers to show it to the Guard how it was to be done. When the Range Officer inspected this plot subsequently, he found 7 coolies working there and the creepers were cut and not uprooted. Further the Guard had no muster-roll with him then. When called to explain, he admitted the mistake of cutting the creepers instead of uprooting. Incidently for not maintaining the muster-roll of coolies, he explained that since he had other works to do, he engaged these coolies at his own cost, for which of course a muster-rolll is unnecessary. Though this is not a charge against the Guard, it shows the character of the man. Is the Guard rich enough to pay for Government works from his own pocket? Is he required to do this? Government do not require their subordinates to spend anything from their own pocket for Government works.

There are other items of tending work which the Guard did not do as directed by the Range Officer for which also he has no satisfactory explanation to offer.

General.

8. These charges were framed in the regular way. The Guard was given opportunity to explain. He was permitted to cross examine the Range Officer who was examined in his presence. He was given a personal hearing which was to ask for pardon for all his mistakes.

9. It is proved beyond all doubt that he put a false case against an innocent person and that he disobeyed the orders of his superiors. For the first charge, he deserves

prosecution in a Court of Law. A subordinate who does not hesitate to send up false cases against innocent people does not deserve to be under the service of Government. It is therefore ordered that Forest Guard B.Ramachandra be dismissed from service with effect from the date of his relief.

District Forest Officer,
Mangalore Branch.

To B. Ramachandra, Forest Guard of Herur Beat, through Range Officer, Coondapur.

39 3/39

OFFICE OF THE CONSERVATOR OF FORESTS 3-JAN 1939 OOTACAMUND CIRCLE

Ref.C.No. 3138/38 C 1.

Submitted through the Conservator of Forests, Ootacamund Circle.

2. The memorial though dated 16-11-1938 could not be forwarded immediately as the enclosures referred to therein were not sent by the memorialist along with the memorial. Hence a reference Ref C.No. 3138/38 dated 28-11-1938 had to be made and the necessary enclosures obtained. Among the enclosures since received copy of Chief Conservator of Forests order L.Dis.No. 9573/37 dated 13-11-1937 has not been submitted by him yet.

3. His previous petition in the matter was disposed of in Government order No. Ms. 1193 Development Department dated 7th May 1938 communicated in Chief Conservator's L.Dis. No. 1209/38 dated 11th May 1938 and Conservator of Forests, Ootacamund Circle No.M 233/38 dated 17th May 1938, A copy of which is herewith enclosed. The petition should be rejected summarily under instruction XV11(3) of the instructions regarding the submission and receipt of petitions issued in G.O.No. 271 Public(Services) Department dated 4th February 1937. It does not appear necessary to consult any other records in order to the due disposal of the petition. No other records are therefore forwarded.

N.Dis M 3/39 Mangalore 20-12-1938

Sd.M.Kesavanunni Nayar,
District Forest Officer.S.Kanara.

Forwarded to the Chief Conservator.

Conservator of Forests
Ootacamund circle

True Copy.
P. S. Krishnan
21-12-38

OFFICE OF THE CONSERVATOR OF FORESTS 8 JAN 1939

46

Copy of L.Dis. No.1209/38 dated 11th May 1938 from the Chief Conservator of Forests, Madras to the Conservator of Forests, Ootacamund Circle.

Subject :- Forests - Memorial - B.Ramachandra - ex-Forest Guard Mangalore North Division - Rejected.

Read the following :-

G.O.No.Ms.1193, Development Department, dated 7th May 1938.

Read the following paper :-

From the Memorialist dated 28th December 1937.

Endorsement of the Chief Conservator of Forests Ref 1209/38 D.2 dated 22nd February 1938.

Letter to the Secrrtary, Madras Public Service Commission, No. 811-1/38.1, dated 25th March 1938.

From the -do- No.410/C/38 dated 12th April 1938.

The Government decline to interfere.

/By Order of His Excellency the Governor/

C.J.Paul,
Secretary to Government

To the Memorialist (with copy of Commission's letter)
(B.Ramachandra, Ex-Forest Guard, Baindur Post, S.Kanara Dt.)

.. Chief Conservator of Forests(with copy of Commission's letter and records returned).

.. Secretary, Madras Public Service Commission (with C.L.)

Copy of letter from the Madras Public Service Commission, No. 410-C/38, dated the 12th April 1938.

Your letter No. 811-1/38.1 dated 25-3-1938.

The procedure laid down in rule 55 of the Civil Services (Classification, Control and Appeal) Rules was followed before the order of dismissal was passed. The Commission agrees with the District Forest Officer in his finding that the first and third charges are proved, and considers that the punishment inflicted was deserved. The Commission advises that the memorial be rejected.

Proceedings.

Communicated to the Conservator, Ootacamund Circle, with reference to his M 233/38 dated 27-1-1938.

Ref.No.M 233/38 dated 17-5-1938.

Copy to the District Forest Officer,Mangalore North with reference to his No.A.1 35/38 dated 12-1-1938.

2. The following records are returned :-

1) O.R.File 170/36-37 of Coondapur Range (12 leaves) flagged(D)

2) D.Dis. file 173/37 dated 8-7-1937 (256 pages) flagged (B)

3) D.Dis.No.1653/36 dated 22-9-1936 (144 pages) flagged(C)

4) Voucher No.40 of December 1936,flagged(E) (2) and 63 of November 1936 flagged (S) for Rs 26-12-0 and Rs 27-6-0 respectively.

5) Completion reports for the District Forest Officer's S.O.Nos 65 and 49 of 1936-37 (W)

6) Personal files (2) and service roll of B.Ramachandra (N) &(K)

7) Coondapur Range Officer's diary for week ending 5th December 1938 flagged(U).

Forest Conservator's Office ,
Ootacamund Circle,Ootacamund,
Dated 17th May 1938

Sd. W.G. Dyson,
Conservator of Forests,
Ootacamund Circle.

42 20

C.F. 30.

Forest DEPARTMENT.

Received ..... 19 . *Registered* Dev 2422 I 19 .
25.1.39

Subject.

Memorial - B.Ramachandra, Ex.Forest Guard - South Kanara Division.

ENCLOSURES.
No.
Spare copies

Refce. No. 251/39-D2

Station Chepauk, Madras, *Dated the* 20th January 19 39

From (Name) C.C.Wilson Esq., I.F.S.,
(Designation) Chief Conservator of Forests.

To The Secretary to the Government of Madras,
DEVELOPMENT Department.

Sir,

PP 1-5 Dumpers

Ref:-Memorial from B.Ramachandra, Ex-Forest Guard, South Kanara Division, dated the 16th November 1938.

--

Submitted to Government.

2. The memorialist's case was disposed of in G.O.No. Ms.1193 Development dated the 7th May 1938.

(V)

3. The connected records are not submitted as the present memorial is liable to summary rejection under

instruction XVII (3) of the instructions issued in G.O.No.271 Public (Services) dated the 4th February 1937.

24.1.38.

for Chief Conservator of Forests,
Madras.

Encs:-Memorial and
its enclosures.

DKS/24.1.

Dev. Dept.

Cno. 2422-I/39

Memorial - B. Ramachandra - Ex-forest guard - South Kanara Division

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PP. 1-5 c/l — From the memorialist dated 16-11-38

PP 20-21 c/l — Endt. of the C.C.F. Ref. No. 251/39-D2 D 20-1-39

To A.S

Please see the memorial at PP. 1-5 c/l. and the C.C's forwarding remarks thereon at PP. 20-21 c/l.

2 The memorialist, a forest guard of the old Manglore North Div. was dismissed from service by the D.F.O. for concocting a false case against an innocent person & for disobeying the orders of his superiors in the matter of protection of forests.

Vide para 2 P 18 c/l. 1193 (V) 7-5-38

3 The memorial in the c/l. is addressed to the Hon. Minister. The original memorial to Govt. was fully considered by Govt. in consultation with the H.P.S.C. and rejected as recommended by the Commission — Vide letter in Ref. 1193 Dev. D 7-5-1938. The C.C.F. observes that the memorial is liable to be summarily rejected under Instruction XVII (3) at P 69 of the Business Rules.) For orders whether the memorial will be

8 45

to rejected since no facts or circumstances which afford grounds for a reconsideration of the case, are brought to notice in the present memorial. For orders.

May be rejected

RK
4.7.39

31.1.39.

8/4
22.39

Cia
6.e.39

HM(A & RD) 8/7/39

Pl. circ
7/2
circ 7/2

Cia
9.e.39

To AS

A draft endt. is submitted for approval. Letter issued to the papers may be attached with D.O. 1193 dated 7-5-1938.

(V)

Done
RK
13/7/39

11.2.39.

8/4
12.2.39

15/141

PP 1-6 cf

46

Dev. Dept

Memorial dated 16-11-1938 from B. Ramachandra, ex Forest Guard South Kanara Division.

Dept
13.2.

Endt No. 2422 I|38-1 dt 13-2-39

The memorial is rejected under Instruction XVII (3) of the Instructions for the submission of petitions to Govt enumerated below.

11.2.39.

13/2/39

12/2/39

Ptg & Cyc. as Rule. (well typ

No memorialist (B. Ramachandra Ex Forest Guard c/o Nagappa Harnahally Kumsi Sub Taluk Shimoga Dt. Mysore)

of the C.C.F. with ref. to his letter Reg. No. 251|39-D2 dt 20-1-39.

PP 2c 2 cf.

Instruction XVII.

Petitions addressed to Govt with the right to summary rejection in the following cases: —

× × ×

(3) where a previous petition has been disposed of by the Govt of Madras (vide G.O. No. 1193 Dev. dt 7-5-38) — — — and the petition discloses no new facts or circumstances which afford grounds for a reconsideration of the case.

11.2.39.

12/2/39